



PATENT
Attorney Docket 44921-5054-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Patricia D. Murphy**

Application No. **09/923,327**

Filed: **August 8, 2001**

Art Unit: **1634**

Examiner: **Carla Myers**

For: **Determining Common Functional Alleles In A Population And Uses Therefore**

U.S. Patent and Trademark Office
Customer Window, **Mail Stop AF**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

TRANSMITTAL FORM

1. Further to the amendment filed on January 21, 2005 transmitted herewith is a Supplemental Amendment Under 37 C.F.R. 1.116 in response to the Advisory Action dated February 2, 2005.
2. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. This response is being filed under the next business day rule on Tuesday, February 22, 2005 as the due date for responding fell on a Federal Holiday (Monday, February 21, 2005). Further to the one-month extension of time filed on January 21, 2005, Applicant petitions for an additional one-month extension of time from January 21, 2005 to February 21, 2005, the fee for a small entity which is **\$165.00** as set out in 37 C.F.R. 1.17(a). If Applicant has inadvertently overlooked the need for an additional extension of time, please consider this a Petition therefor.
3. Fee Calculation (37 C.F.R. 1.16):

CLAIMS AS AMENDED						
	Remaining		Previously Paid	Extra	Rate	Total Fees
Total Claims	22	minus	34	0	\$50 each=	0.00
Independent Claims	4	minus	4	0	\$200 each=	0.00
First presentation of Multiple dependent claim					\$360.00	0.00
					Sub-total =	0.00
					Reduction by ½ for filing by a small entity	0.00
					Total Fee =	0.00

4. Additional Papers Submitted:
(i) Terminal Disclaimer (U.S. Patents 5,654,155 and 5,750,400)

5. **Fee Payment:** The Commissioner is hereby authorized to charge **\$295.00** to Deposit Account No. 50-0310 for payment of the additional one-month extension of time fee (\$165.00) and the terminal disclaimer fee (\$130.00).
6. **Constructive Petition:** **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **February 22, 2005**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP



Robert Smyth
Registration No. 50,801